

Call to Order:

The meeting was called to order at 7:44 p.m. Present were Chair, Joan Duff, and members Linn Anderson, Mark Yanowitz, and Vincent Chiozzi (arrived at 7:50 pm), John McDonnell (arrived at 8:00 pm); also present was Paul Materazzo, Director of Planning, and Lisa Schwarz, Senior Planner.

CVS:

The Board opened the discussion on a request by Attorney John Smolak representing Massachusetts CVS Pharmacy L.L.C. to determine if the changes to the approved plan Sheet F1 (P) Preliminary Merchandise Plan, prepared by BKA Architect, Inc. 8/6/07 are minor in nature. A revised plan F1 (P) dated 8/23/10 was submitted. The merchandise changes consist of changes to the vestibule/entrance, changes to the checkout, the reconfiguration of internal merchandise aisles and relocation of existing cooler/refrigeration units. Ms. Schwarz reviewed her memo to the Board dated September 24, 2010 and discussed the plan originally approved by the Board as well as the proposed changes to the revised plan. Attorney John Smolak, representing the applicant, noted the Board's primary concern in 2007 pertained to the windows and streetscape on Chestnut and Main Street. A representative of Strak Architects, Inc., representing the applicant, gave an overview of the proposed interior renovations including the changes to the vestibule/entrance. He noted the changes would improve the interior flow of the store. He also noted that there would be no changes to the exterior of the building, or to the windows on Chestnut and Main Street. Ms. Schwarz noted that CVS is doing a great job on the display windows. Following a discussion of the proposed changes and on a motion by Ms. Anderson, seconded by Mr. Chiozzi, the Board voted to find the applicant's request for a minor modification of SP07-09 for the internal reconfiguration to the vestibule/entrance, the merchandise aisles and relocation of existing cooler/refrigeration units as shown on the revised plan F1 (P) dated 8/23/10 to be a minor modification. Unanimous (4-0)

On a motion by Ms. Anderson, seconded by Mr. Yanowitz, the Board voted to grant the applicant's request for a minor modification of SP07-09 for the reconfiguration of internal merchandise aisles and relocation of existing cooler/refrigeration units as shown on the revised plan F1 (P) dated 8/23/10. Unanimous (4-0)

Weeping Willow Estates:

The Board took up the deliberations on an application by Greenwood-Andover Development, LLC for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 9-lot subdivision entitled Weeping Willow Estates located on the corner of Greenwood and Chandler Road. Mr. Materazzo reviewed Ms. Byerley memo to the Board dated September 24, 2010 and requested clarification of the Board's intent with regard to "all utilities" in condition # 40. The Board reviewed Ms. Byerley's memo to the Board dated September 24, 2010. Ms. Anderson suggested that the fourth word in condition # 8 be changed from "the" to "any". Mr. Yanowitz had questions about the landscaping at the rear of the subdivision along lots 3 & 4, and whether or not it would be sufficient. The Board reviewed the landscape plan and discussed a change from "8 spruce trees to up to 10". On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to approve the application by Greenwood Andover Development, LLC for a Definitive Subdivision Plan entitled Weeping Willow Estates subject to the 46 conditions outlined in Ms. Byerley's memo to the Board dated September 24, 2010 with the following changes:

Weeping Willow Estates (cont.):

Condition # 8 shall read “Within five (5) days of any transfer of ownership of this subdivision.....”;

Condition # 36:

The 2nd to the last sentence shall read: Said deed restriction will not prevent the plantings of up to 10 spruce trees also depicted on sheet 1 of 1, Landscape & Screening Plan dated 8/23/10;

A new sentence will be inserted and shall read: “Prior to planting, the final locations of these trees shall be determined in the field by staff”.

Condition # 40:

The first sentence shall read “Prior to the issuance of a Clearance Certificate for any lot, all utilities as shown on sheet 4 of 8 shall have been fully constructed and approved by the Department of Public Works.

Vote Unanimous (5-0)

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the application by Greenwood Andover Development, LLC for a Special Permit for Earth Movement associated with a 9-lot subdivision entitled Weeping Willow Estates subject to the same conditions outlined in Ms. Byrley’s memo to the Board as amended. **Vote Unanimous (5-0)**

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to grant the applicant’s request of a waiver from Section III.3.d, Original Mylars. Approval of this waiver is subject to the Applicant submitting the Mylars within 30 days after the expiration of the 20 day appeal period. **Vote Unanimous (5-0)**

39-47 High Plain Road:

The Board opened the public hearings that were continued from the Sept. 21st meeting on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision. The subdivision consists of 2 existing lots that will be reconfigured to create one new lot, and is entitled 39-47 High Plain Road. Attorney Mark Johnson handed the Board the final plan. Ms. Schwarz noted that the notes were added to the plan per the board feedback from the Sept. 21st meeting. Ms. Anderson had questions regarding conditions # 17 and 18 and suggested that “conveyance” be added to the conditions. Attorney Johnson stated that the applicant would not have a problem if the Board added that language to conditions 17 & 18. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to close the public hearings on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision entitled 39-47 High Plain Road. **Vote Unanimous (5-0)**

The Board took up the deliberations on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision consisting of 2 existing lots that will be reconfigured to create one new lot, entitled 39-47 High Plain Road.

39-47 High Plain Road (cont.):

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the application by Scott Gibson for a Definitive Subdivision Plan entitled 39-47 High Plain Road subject to the 43 conditions outlined in Ms. Schwarz memo to the Board dated September 22, 2010 with the following changes:

Condition # 7 shall read: "Within five (5) of any transfer of ownership of this subdivision.....";

Condition # 17 shall read: The encroachment of the house on Lot 1 shall be removed prior to the conveyance of Lot 1 or prior to the commencement of any work on or conveyance of Lot 2. This condition shall be placed on the plan prior to endorsement.

Condition # 18 shall read: The encroachment of the house on Lot 3 shall be removed prior to the conveyance of Lot 3 or prior to the commencement of any work on or conveyance of Lot 2. This condition shall be placed on the plan prior to endorsement.

Condition # 30 shall read: Prior to the conveyance of Lot1, Lot 2 or Lot3 the developer shall provide the Planning Department with a surveyor's certification that temporary lot corners have been established on the ground for the lot to be conveyed. Once established, maintenance of these temporary corners shall be the responsibility of the lot owner.

Condition # 32 shall read: Prior to planting the eighteen (18) Arborvitae shown along the southerly boundary line of Lot 2 the location of the trees must be reviewed and approved by Planning Staff.

Condition # 43 shall read: The Planning Board and Town Counsel shall review and approve the legal documents which will implement conditions # 35 through # 42 within 30 days of the close of the 20 day appeal period.

Add a new condition 44 shall read: A bar scale shall be placed on the record plan and the plan notations shall be updated to reflect the amended wording on conditions 17 and 18. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to approve the Special Permit for Earth movement associated with a 3-lot subdivision entitled 39-47 High Plain Road subject to the 43 conditions outlined in Ms. Schwarz memo to the Board dated September 24, 2010 as amended in the motion for approval of the definitive subdivision plan. **Vote** Unanimous (5-0)

On motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to approve the applicant's request for 12 waivers as stated on page four (4) of Ms. Schwarz' memo to the Board dated September 22, 2010; the Board found that it was clearly demonstrated, with plans prepared by a Registered land Surveyor, that the subdivision could fully comply with the Rules and Regulations Governing the Subdivision of Land in the Town of Andover without the need of any waivers. However, strict compliance with the Board's regulations would require the removal of a significant number of mature trees and other vegetation, would create an unnecessary increase in impervious area, and would require other environmentally insensitive land development practices. The Board found that granting the requested waivers would preserve and protect natural features on the site, while allowing only one new building lot, the same as a strictly compliant subdivision. Therefore, the Board found that granting the requested waivers was in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law. **Vote** Unanimous (5-0)

Other Planning Related Business:

Mr. Materazzo noted that the Town's application to MASS Office of Business Development to to designated as a Regional Technology Center, Economic Target Area has been approved which allows businesses to receive tax credits which can encourage business to move to town or expand their existing businesses.

Mark Yanowitz updated the Board on an opportunity to bring solar farms to the Andover at no cost to the Town; the town only has to provide the land and it could significantly reduce the town's utility cost.

Other Planning Related Business (cont.):

Mr. Materazzo noted that James Doherty JR., was appointed as the Alternative Planning Board member at the Sept. 27th Selectmen's meeting.

Ms. Duff reviewed the Citizen Planner training courses and suggested (due to the absence of any agenda items) that rather than holding a meeting on Nov. 9th, interested Board members could attend a course entitled "Special Permits and Variances" at Northern Essex Community College. Several Board members expressed interest in the course, and staff will fill out the necessary paperwork to register those members.

Adjournment: The Board voted to adjourn the meeting at 8:48 p.m.